

Calendar  
 90 days  
 3/29/06 -  
 time to file  
 0  
 SWX

## DISMISSAL AND NOTICE OF RIGHTS

To: Alverene Dixon Butler  
2137 Beverly Drive  
Montgomery, AL 36111

From: Birmingham District Office  
Ridge Park Place  
1130 22<sup>nd</sup> Street South  
Suite 2000  
Birmingham, Alabama 35205

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

EEOC Charge No.

**130-2005-05221**

EEOC Representative

**Kevan J. Jackson, Investigator**

Telephone No.

**(205) 212-2128**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

\_\_\_\_\_  
Bernice Williams-Kimbrough, District Director

12/28/08  
(Date Mailed)

Enclosure(s)

cc: Julian L. McPhillips, Jr.  
McPhillips Shinbaum, L.L.P.  
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Alabama Department of Transportation  
1409 Coliseum Boulevard  
Montgomery, Alabama 36111

DEFENDANT'S  
EXHIBIT

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